

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:11-00038

HUGHIE ELBERT STOVER

UNITED STATES' WITHDRAWAL OF OPPOSITION TO
DEFENDANT'S MOTION TO CONTINUE TRIAL

Comes now the United States of America by Blaire L. Malkin, Assistant United States Attorney for the Southern District of West Virginia, and hereby withdraws its opposition to defendant's Motion to Continue Trial [Docket 46]. The United States, last evening, in its preparation for trial of this matter, found that a batch of scanned copies of a portion of the documents recovered from the trash at Performance Coal Company and provided by the company in electronic form to the United States had been inadvertently omitted from the discovery previously produced by the United States. The records inadvertently omitted are comprised of approximately 2,500 pages of material, and include items such as mine visitor logs from 2006 and 2007.

Consequently, the United States will be supplementing its discovery production with these records. While the records omitted represent a relatively small portion of the 75,000 pages of records already produced, the United States recognizes that the defense will need additional time within which to review them. Therefore, the United States withdraws its opposition to defendant's Motion to Continue and the schedule proposed thereby.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing "UNITED STATES' WITHDRAWAL OF OPPOSITION TO DEFENDANT'S MOTION TO CONTINUE TRIAL," has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing on this 12th day of July, 2011, to:

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